

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/489,134
Attorney Docket No. STL000012US1 / A8501

REMARKS

Pending claims 1-99 have been examined and are rejected. Applicants respectfully overcome the claim rejections as follows.

Claims 1, 6, 8-14, 18, 20-21, 25-27, 30-31, 36, 38-44, 50-51, 55-57,
60-61, 66, 68-74, 78, 80-81, 85-87 and 90-99

Claims 1, 6, 8-14, 18, 20-21, 25-27, 30-31, 36, 38-44, 50-51, 55-57, 60-61, 66, 68-74, 78, 80-81, 85-87 and 90-99 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over newly cited Hufford et al., U.S. Patent No. 5,877,445 (hereinafter "Hufford").

Applicants amend claim 1 to recite, *inter alia*, "presenting a plurality of selectable objects to a user, each object representing a subset of the collection of content" and "in response to selection by a user of one or more of said objects, creating a hierarchical compilation of the content represented by each selected object" (*see also* claims 31 and 61).

Hufford describes a block sequence compiler 16 that produces an audio/video sequence of data blocks from a corresponding audio/video source segment, wherein a duration of the sequence substantially conforms to a duration prescribed by a user. In Hufford, a user interface 17 enables the user to select a source segment 28 from a data storage library 14 and prescribe a duration for a generated sequence (Hufford: col. 1, lines 31-34 and col. 3, lines 10-35). The block sequence compiler 16 receives information from the user about the selected segment and the prescribed duration, fetches blocks of audio and/or video source information from the data storage library 14, and according to compilation criteria, compiles a list of potential audio and/or

video sequences that are temporarily stored within a potential block sequence list depository 19 (Hufford: col. 3, lines 27-57).

The Examiner asserts that the source segments 28 of Hufford correspond to the plurality of selectable objects recited in claim 1 (*see also* claims 31 and 61). The Examiner acknowledges that Hufford fails to teach "in response to selection by a user of one or more of said objects, creating a hierarchical compilation of the content represented by each selected object", as recited in claim 1 (*see also* claims 31 and 61). However, the Examiner relies on Figs. 2, 3A, 3B and 5 of Hufford as allegedly suggesting these features. In particular, the Examiner alleges that "it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Hufford method by including the step of creating a hierarchical compilation in order to compile a sequence of audio or video for future use" (*see* Office Action, page 4). It is respectfully submitted that the Examiner fails to provide any reasonable suggestion of motivation, absent impermissible hindsight, as to why one of ordinary skill in the art would have been motivated to modify Hufford in the alleged manner.

The Examiner seems to equate the audio/video source segments 28 of Hufford with the recited selectable objects. However, the source segments 28 of Hufford do not correspond to the recited selectable objects because, for example, Hufford fails to teach or suggest that "in response to selection by a user of one or more of said objects, creating a hierarchical compilation of the content represented by each selected object", as recited in claim 1 (*see also* claims 31 and 61).

Hufford discloses that an audio/video source segment 28 is divided into five blocks: A, B, C, D, E and F, wherein the sequence ABCDEF corresponds to the audio and/or video source segment 28 (Hufford: col. 4, lines 13-16).

Data in a characteristic table 30, shown in Fig. 2, contains parameters for each audio and/or video block pertaining to (1) a duration 34, (2) type attribute 36 (*e.g.*, whether the block is a suitable beginning and/or ending block), and (3) an interblock compatibility list 38, *e.g.*, a list of which blocks can aesthetically follow and/or precede the current block (Hufford: col. 4, lines 16-50).

In accordance with the data in the characteristic table 30, one or more potential sequences are formed. For example, a source segment 28 is partitioned into ten blocks A-J, each block being five seconds long (Hufford: Fig. 4). Thereafter, based on data in the characteristic table 30 illustrated in Fig. 4, three potential sequences ABCDEFGJ, ABCDEFHE and CDEFGHIJ are created (Hufford: Fig. 5).

The Examiner alleges that "the technique of branching, rearranging an audio or video segment into a number of specific units and owning by a higher level unit indicates the segment is a hierarchical segment, and the Hufford compilation technique is a hierarchical compilation" (*see* Office Action, page 4). Applicants respectfully disagree.

In Hufford, only the segments are selectable by a user and not the blocks (*e.g.*, A, B, C, etc.) that make up the segments. Consequently, since the output sequences described in Hufford (*e.g.*, sequence ABCDEFHE) are comprised of non-selectable blocks, as opposed to selectable

segments, Hufford fails to teach or suggest the step of "in response to selection by a user of one or more of said objects, creating a hierarchical compilation of the content represented by each selected object", as recited in claim 1 (*see also* claims 31 and 61).

Furthermore, the potential audio/video sequences generated in Hufford do not correspond to "content represented by each selected object", as recited in claim 1 (*see also* claims 31 and 61). As noted above, each source segment is divided into data blocks (*e.g.*, A, B, C and D). In this example, the collection of data blocks A, B, C and D correspond to this particular source segment. However, in response to a user selecting the source segment, the system of Hufford does not create a hierarchical compilation of the content represented by the selected source segment, *i.e.*, the data blocks A, B, C and D are not added to a hierarchical compilation.

To the contrary, in Hufford, a user chooses an audio/video source segment 28 and specifies a duration for an audio/video sequence (Hufford: Abstract; and Fig. 3A). Thereafter, one or more potential output sequences are created based on parameters such as the specified duration for the output sequence, the types of blocks (*e.g.*, starting blocks, ending blocks, etc.), and interblock dependencies (Hufford: col. 5, lines 3-19). Thus, through the operation of these parameters, sequences are generated that may not include any, let alone all, of the blocks from the selected segment, for example, because the addition of any of the blocks to a current sequence would exceed the prescribed duration. Accordingly, the source segment 28, which a user selects, does not represent the generated sequence of data blocks.

Additionally, claim 30 recites, *inter alia*, "creating a compilation from a plurality of content objects stored in a data repository, each content object comprising a plurality of hierarchically related content entities" and "in response to selection of ones of the hierarchically related elements to include in a hierarchical compilation, creating a compilation from the selected content entities" (*see also* claims 60 and 90). Applicants respectfully submit that Hufford fails to teach or suggest these features of claims 30, 60 and 90.

For example, the data blocks comprising the source segments of Hufford do not correspond to the recited "hierarchically related content entities" because the data blocks are not hierarchically related to one another. Additionally, as noted above, while the source segments of Hufford may be selectable by a user, the data blocks comprising the source segments are not selectable by a user. Thus, Hufford fails to teach or suggest "selection of ones of the hierarchically related elements".

Yet further still, given the exemplary deficiencies of Hufford, as set forth above, the Examiner's conclusion that "it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Hufford method by including the step of creating a hierarchical compilation in order to compile a sequence of audio or video for future use" is unsupported and evidences the application of impermissible hindsight.

For at least the above exemplary reasons, claims 1, 30-31, 60-61 and 90 are not rendered obvious by Hufford. Consequently, claims 6, 8-14, 18, 20-21, 25-27, 36, 38-44, 50-51, 55-57,

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66, 68-74, 78, 80-81, 85-87 and 91-99 are patentable at least by virtue of their dependency, as well as the additional features recited therein.

For example and not by way of limitation, claim 8 recites "displaying to the user the selected objects in a predetermined order such that the user may rearrange the order of the selected objects as desired through a user interface" (*see also* claims 38 and 68). The Examiner alleges that Hufford discloses these features at col. 4, lines 13-50, wherein Hufford describes that audio/video sequences of many different durations can be achieved by combining different combinations of differently-sized blocks (Hufford: col. 4, lines 34-36). To the contrary, in Hufford, a user merely selects an audio or video segment from the data storage library 14 and determines a duration, and then the block sequence compiler 16 generates a list of potential output sequences that conform to the characteristic table 30 (Hufford: col. 4, lines 51-61). It would not make sense to allow the user to rearrange the order of the data blocks of a sequence because then conformity of the rearranged sequence with the characteristic table 30 could not be guaranteed.

Furthermore, since the Examiner acknowledges (*see* Office Action, page 5) that Hufford fails to teach or suggest "defining a maximum amount of allowable content per volume of content" and "creating a plurality of volumes of content from the selected content based upon the defined maximum", as recited in claim 9 (*see also* claims 39 and 69), Applicants respectfully request that the Examiner allow these claims. It is noted that the portion of Hufford cited by the Examiner (col. 4, lines 51-58) does not disclose defining any maximum value.

Further still, claim 10 recites "displaying to the user the selected objects contained in each volume such that the user may selectably move an object from a first to a second of the volumes" (*see also* claims 40 and 70). The Examiner alleges (*see* Office Action, page 5) that Hufford, at col. 10, lines 34-35, discloses these features by describing "means for displaying said list of one or more output sequences". To the contrary, that portion of Hufford does not disclose or even suggest moving data blocks from one output sequence to another output sequence.

Even further, claim 11 recites the step of "receiving content input by a user, and creating a selectable object from the content" (*see also* claims 41 and 71). The Examiner alleges that Hufford discloses these features at col. 1, lines 31-34, by disclosing that a user chooses an audio/video source segment already residing in a data storage library storing data. However, that portion of Hufford does not disclose or even suggest receiving content input by a user, as required by claims 11, 41 and 71.

Claims 2-3, 29, 32-33, 59, 62-63 and 89

Claims 2-3, 29, 32-33, 59, 62-63 and 89 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hufford in view of Pajak et al., U.S. Patent No. 5,388,196 (hereinafter "Pajak") and the ksinclair.com [Free E-books You Can Download] reference (hereinafter "ksinclair.com"). Because neither Pajak nor ksinclair.com (either alone or in combination) makes up for the exemplary deficiencies of Hufford, as set for above, claims 2-3, 29, 32-33, 59, 62-63 and 89 are patentable over a reasonable combination, if any, of Hufford, Pajak and ksinclair.com at least by virtue of their dependency.

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Claims 4-5, 7, 19, 28, 34-35, 37, 49, 58, 64-65, 67, 79 and 88

Claims 4-5, 7, 19, 28, 34-35, 37, 49, 58, 64-65, 67, 79 and 88 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hufford in view of ksinclair.com. As noted above, ksinclair.com fails to make up for the exemplary deficiencies of Hufford, as set forth above. Consequently, claims 4-5, 7, 19, 28, 34-35, 37, 49, 58, 64-65, 67, 79 and 88 are patentable over a reasonable combination, if any, of Hufford and ksinclair.com at least by virtue of their dependency.

Claims 15-17, 22-24, 45-47, 52-54, 75-77 and 82-84

Claims 15-17, 22-24, 45-47, 52-54, 75-77 and 82-84 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hufford in view of Duwaer et al., U.S. Patent No. 5,959,627 (hereinafter "Duwaer"). Because Duwaer fails to make up for the exemplary deficiencies of Hufford, as set forth above, claims 15-17, 22-24, 45-47, 52-54, 75-77 and 82-84 are patentable over a reasonable combination, if any, of Hufford and Duwaer at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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Respectfully submitted,



Billy Carter Raulerson
Registration No. 52,156

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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